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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.               | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------------|------------------|
| 10/663,637   | 09/16/2003  | Kiyoshi Ueyoko       | DN2003152                         | 1926             |
| 27280 7590 01/09/2007<br>THE GOODYEAR TIRE & RUBBER COMPANY<br>INTELLECTUAL PROPERTY DEPARTMENT 823<br>1144 EAST MARKET STREET<br>AKRON, OH 44316-0001 |             |                      | EXAMINER<br>JOHNSTONE, ADRIENNE C |                  |
|  |             |                      | ART UNIT<br>1733                  | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                     |                  |
| 3 MONTHS   |             | 01/09/2007           | PAPER                             |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/663,637

Applicant(s)

UEYOKO ET AL.

Examiner

Adrienne C. Johnstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2006 has been entered.

### *Election/Restrictions*

2. Claims 1-6 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 17, 2006.

### *Claim Rejections - 35 USC § 102*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2004/0163748 A1.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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This reference is applied for the same reasons as set forth in paragraph 2 of the Office action mailed May 16, 2006: with respect to claims 22-24 the spirally wound belt layer is wider than radially outer zigzag belt structure and with respect to claim 25 the strip overlap increases from zero in the center portion to greater than zero at the belt edge and the claim does not yet require the strips to be overlapped substantially throughout the shoulder portions each having a width of about 25% of the belt width of the widest belt as in claim 7.

5. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Ueyoko et al. (6,116,311).

This reference is applied for the same reasons as set forth in paragraph 3 of the Office action mailed May 16, 2006: the strip overlap increases from zero in the center portion to greater than zero at the belt edge and the claim does not yet require the strips to be overlapped substantially throughout the shoulder portions each having a width of about 25% of the belt width of the widest belt as in claim 7.

6. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 2002-211208 A.

This reference is applied for the same reasons as set forth in paragraph 4 of the Office action mailed May 16, 2006: the strip overlap increases from zero in the center portion to greater than zero at the belt edge and the claim does not yet require the strips to be overlapped substantially throughout the shoulder portions each having a width of about 25% of the belt width of the widest belt as in claim 7.

7. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by de Loze de Plaisance et al. (6,125,900) cited by applicant taken with Oswald (4,838,966).

This reference is applied for the same reasons as set forth in paragraph 5 of the Office action mailed May 16, 2006: the strip overlap increases from zero in the center portion to greater than zero

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at the belt edge and the claim does not yet require the strips to be overlapped substantially throughout the shoulder portions each having a width of about 25% of the belt width of the widest belt as in claim 7.

8. Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication 2002/0005239 A1.

See entire document: 0-35 degree range for cord angle in assembly 32 is sufficiently small that one of ordinary skill in the art would have at once envisaged the 0, 1, 2, 3, 4, and 5 degree cord angle members of the range and therefore the reference discloses them with sufficient specificity (MPEP 2131.03). With respect to claim 25 the strip overlap increases from zero in the center portion to greater than zero at the belt edge and the claim does not yet require the strips to be overlapped substantially throughout the shoulder portions each having a width of about 25% of the belt width of the widest belt as in claim 7.

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over de Loze de Plaisance et al. (6,125,900) cited by applicant taken with Oswald (4,838,966), and in view of Ueyoko et al. (6,116,311).

These references are combined for the same reasons as set forth in paragraph 8 of the Office action mailed May 16, 2006: the strip overlap increases from zero in the center portion to greater than zero at the belt edge and the claim does not yet require the strips to be overlapped substantially

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throughout the shoulder portions each having a width of about 25% of the belt width of the widest belt as in claim 7.

*Allowable Subject Matter*

11. Claims 7, 8, and 19-21 are allowed.

The prior art of record fails to disclose or suggest the strips overlapped substantially throughout the shoulder portions with each shoulder portion being about 25% of the belt width of the widest belt in the claimed environment.

*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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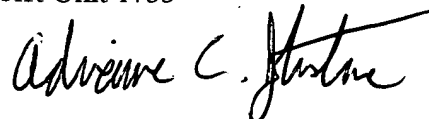
Adrienne C. Johnstone

Primary Examiner

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Adrienne Johnstone

January 6, 2007

A handwritten signature in black ink, reading "Adrienne C. Johnstone". The signature is written in a cursive style with a long horizontal stroke at the end.